

ELEVENTH DAY.

(Continued.)

(Wednesday, January 23, 1929.)

The House met at 9:30 o'clock a. m. and was called to order by Speaker Barron.

PROPOSED AMENDMENT TO HOUSE RULES.

Mr. Kemble (by unanimous consent) offered the following proposed amendment to the rules:

Amend Rule XXIII by adding a section to be numbered five, which shall read as follows:

"No bill, except local bills, shall be on the daily calendar unless a printed copy of such bill has been on the desk of each member for a period of not less than twenty-four hours next preceding the calendar date."

Signed—Kemble, Young, Storey, Nicholson, Woodall.

On motion of Mr. Metcalfe, the amendment was referred to the Committee on Rules.

HOUSE BILL NO. 162 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 162, A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3," etc.

The bill having been read second time on yesterday.

Mr. Metcalfe offered the following (committee) amendment to the bill:

Amend bill by striking out the word "live" wherever it occurs.

Mr. McCombs moved the previous question on the pending amendment and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—74.

Avis.
Baldwin.

Barnett.
Bradley.

Brice.	Mauritz.
Carpenter.	McCombs.
Chastain.	McGill.
Coltrin.	Mehl.
Conway.	Metcalfe.
Cox of Limestone.	Morse.
Davis.	Mosely.
DeWolfe.	Mullally.
Duvall.	Murphy.
Enderby.	Negley.
Ewing.	Olsen.
Finn.	O'Neill.
Finlay.	Palmer.
Forbes.	Pope of Jones.
Gilbert.	Ray.
Giles.	Rountree.
Graves	Shaver.
of Williamson.	Shelton.
Harman.	Sherrill.
Heaton.	Shipman.
Hines.	Simmons.
Hogg.	Speck.
Holder.	Strong.
Hopkins.	Tarwater.
Jenkins.	Thompson.
Johnson	Tillotson.
of Dimmit.	Van Zandt.
Justiss.	Veatch.
Kemble.	Warwick.
Kennedy.	Webb.
Kincaid.	Westbrook.
King.	Williams
Lee.	of Sabine.
Lemens.	Woodall.
Long of Wichita.	Woodruff.
Martin.	

Nays—43.

Ackerman.	Moore.
Albritton.	Patterson.
Baker.	Pavlica.
Beck.	Petsch.
Bond.	Pope of Nueces.
Bounds.	Quinn.
Brooks.	Reid.
Cox of Lamar.	Renfro.
Fuchs.	Richardson.
Hardy.	Savage.
Harper.	Sinks.
Harrison.	Snelgrove.
Hefley.	Stephens.
Jones.	Stevenson.
Keeton.	Storey.
Kinnear.	Turner.
Land.	Waddell.
Long of Houston.	Walters.
Loy.	Wiggs.
Mankin.	Williams
Maynard.	of Travis.
McDonald.	Young.
Montgomery.	

Present—Not Voting.

Cox of Navarro. White.
Sanders.

Absent.

Adkins.	Johnson of Scurry.
Anderson.	Keller.
Bateman.	McKean.
Dunlap.	Minor.
Eickenroht.	Nicholson.
Gates.	Pool.
Gerron.	Prendergast.
Graves of Erath.	Purl.
Harding.	Smith.
Hubbard.	Thurmond.
Johnson of Smith.	

Absent—Excused.

Acker.	Rogers.
Hornaday.	Wallace.
Kayton.	Williams
Kenyon.	of Hardin.
Reader.	

Mr. Metcalfe offered the following amendment to the bill:

Amend the bill, Section 1, page 3, so that the time limit which reads "July 1, 1929," shall read "January 1, 1930."

Mr. Tillotson offered the following substitute for the amendment:

Amend House bill No. 162, page 3, line 40, beginning with the word "provided" and striking out the remainder of line 41 and all of lines 1, 2, 3, 4, 5, 6, of page 4, and insert in lieu thereof the following:

"Provided that if no infestation, as defined in this act, is found in regulated or restricted areas after a period of twelve months from the date of the establishment of the regulation or restriction of any area or areas, such areas shall be released from further restriction; unless prior to such release date the Federal Horticultural Board shall have filed with the State Pink Boll Worm Commission, a statement setting forth specific reasons why the public interest would be menaced by such act of release."

The substitute amendment was adopted.

Question recurring on the amendment as substituted, it was adopted.

Mr. Van Zandt offered the following amendment to the bill:

Amend House bill No. 162 by striking out the period after the word "persons" in line 8 on page 3 thereof and adding the following: "Firms or corporations."

The amendment was adopted.

Mr. Beck moved the previous question on the engrossment of the bill and the main question was ordered.

House bill No. 162 was then passed to engrossment.

HOUSE BILL NO. 162 ON THIRD READING.

Mr. Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113.

Mr. Speaker.	Lee.
Ackerman.	Lemens.
Adkins.	Long of Houston.
Albritton.	Long of Wichita.
Anderson.	Martin.
Avis.	Mauritz.
Baker.	Maynard.
Baldwin.	McCombs.
Barnett.	McGill.
Beck.	Mehl.
Bounds.	Metcalfe.
Bradley.	Montgomery.
Brice.	Moore.
Carpenter.	Morse.
Chastain.	Mosely.
Coltrin.	Mullally.
Conway.	Negley.
Cox of Limestone.	O'Neill.
Davis.	Palmer.
DeWolfe.	Patterson.
Duvall.	Pavlica.
Enderby.	Petsch.
Ewing.	Pool.
Finn.	Pope of Jones.
Finlay.	Purl.
Forbes.	Quinn.
Fuchs.	Ray.
Gerron.	Reid.
Gilbert.	Renfro.
Giles.	Richardson.
Graves	Rountree.
of Williamson.	Sanders.
Graves of Erath.	Savage.
Harding.	Shaver.
Harman.	Shelton.
Harper.	Sherrill.
Harrison.	Shipman.
Heaton.	Simmons.
Hefley.	Sinks.
Hines.	Snelgrove.
Hogg.	Speck.
Holder.	Stephens.
Hopkins.	Stevenson.
Jenkins.	Storey.
Johnson	Strong.
of Dimmit.	Tarwater.
Johnson of Smith.	Thompson.
Jones.	Turner.
Justiss.	Van Zandt.
Kemble.	Veatch.
Kincaid.	Walters.
King.	Warwick.
Kinnear.	Webb.
Land.	Westbrook.

Wiggs.
Williams
of Sabine.
Williams
of Travis.

Woodall.
Woodruff.
Young.

Nays—12.

Bond.
Brooks.
Cox of Lamar.
Eickenroht.
Hardy.
Keeton.

Kennedy.
Loy.
Mankin.
McDonald.
Pope of Nueces.
Waddell.

Absent.

Bateman.
Cox of Navarro.
Dunlap.
Gates.
Hubbard.
Johnson of Scurry.
Keller.
McKean.
Minor.

Murphy.
Nicholson.
Olsen.
Prendergast.
Reader.
Smith.
Thurmond.
Tillotson.
White.

Absent—Excused.

Acker.
Hornaday.
Kayton.
Kenyon.

Rogers.
Wallace.
Williams
of Hardin.

The Speaker then laid House bill No. 162 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—112.

Mr. Speaker.
Ackerman.
Adkins.
Albritton.
Anderson.
Avis.
Baker.
Baldwin.
Barnett.
Beck.
Bounds.
Bradley.
Brice.
Carpenter.
Chastain.
Coltrin.
Conway.
Cox of Lamar.
Cox of Limestone.
DeWolfe.
Duvall.
Enderby.
Ewing.
Finn.
Finlay.
Forbes.
Fuchs.

Gerron.
Gilbert.
Giles.
Graves.
of Williamson.
Graves of Erath.
Hardy.
Harding.
Harman.
Harper.
Harrison.
Heaton.
Hefley.
Hines.
Holder.
Hopkins.
Jenkins.
Johnson
of Dimmit.
Johnson of Smith.
Jones.
Justiss.
Keeton.
Kemble.
Kennedy.
Kincaid.
King.

Kinnear.
Land.
Lee.
Lemens.
Long of Houston.
Long of Wichita.
Mankin.
Martin.
Mauritz.
Maynard.
McCombs.
McDonald.
McGill.
Mehl.
Metcalf.
Montgomery.
Morse.
Mosely.
Mullally.
Negley.
Olsen.
O'Neill.
Patterson.
Pavlica.
Petsch.
Pope of Jones.
Purl.
Quinn.
Ray.
Reid.
Renfro.
Richardson.

Rountree.
Sanders.
Savage.
Shaver.
Shelton.
Sherrill.
Shipman.
Simmons.
Sinks.
Smith.
Snelgrove.
Speck.
Stephens.
Stevenson.
Storey.
Thompson.
Turner.
Van Zandt.
Veatch.
Wallace.
Walters.
Warwick.
Webb.
Westbrook.
Wiggs.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Young.

Nays—4.

Bond.
Brooks.

Loy.
Waddell.

Absent.

Bateman.
Cox of Navarro.
Davis.
Dunlap.
Eickenroht.
Gates.
Hogg.
Hubbard.
Johnson of Scurry.
Keller.
McKean.
Minor.
Moore.

Murphy.
Nicholson.
Palmer.
Pool.
Pope of Nueces.
Prendergast.
Reader.
Strong.
Tarwater.
Thurmond.
Tillotson.
White.

Absent—Excused.

Acker.
Hornaday.
Kayton.
Kenyon.

Rogers.
Williams
of Hardin.
Woodruff.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 22, 1929.

Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to

inform the House that the Senate has passed

S. B. No. 29, A bill to be entitled "An Act to amend Article 4655 of the Revised Civil Statutes of the State of Texas of 1925, by adding thereto the following, to wit: 'provided, however, that when any writ of injunction is accompanied with a true and correct copy of plaintiff's petition, it shall not be necessary for the citation in the original suit to be accompanied with a copy of plaintiff's petition nor contain any statement of the nature of plaintiff's demand; but it shall be sufficient for said citation to refer to plaintiff's cause of action as set forth in a true and correct copy of plaintiff's petition which accompanies the writ of injunction,' and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act to repeal Article 28 of the Revised Civil Statutes of the State of Texas of 1925, relating to the publication in newspapers of legal notices and amending Article 3334 of the Revised Civil Statutes of the State of Texas of 1925, as amended by the Acts of the Fortieth Legislature of the State of Texas in Chapter 81 of the Session Laws thereof, so as to eliminate that portion of said article reading as follows, to wit: 'provided if publication of such citation be made as provided by Article 28, Revised Civil Statutes of 1925, such publication shall be sufficient service of citation without posting said notices,' and declaring an emergency."

S. B. No. 74, A bill to be entitled "An Act to amend Article 460a of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-eighth Legislature, 1925, so as to provide that persons who desire to marry shall procure a license from the county clerk directed to all persons authorized by law to celebrate the rites of matrimony; providing that the county clerk, at the time the license is applied for, shall examine the applicant or applicants for the license under oath, as to age and residence, which shall be reduced to writing by the county clerk and subscribed to by the applicant or applicants; and providing in case either party is absent when application is made an affidavit shall be made by person other than the contracting party as to age and residence of the absent party; providing for the filing of said affidavit in the county clerk's office; providing that application for license shall be made at least three and not more than thirty days before the license shall be issued; providing for

the recording of applications for license by the county clerk in a book kept for the purpose and marked 'Notice of Intention to Marry'; and providing that after the expiration of three nor more than thirty days after the signing of the notice of intention to marry the county clerk may issue said license; and declaring an emergency."

S. B. No. 95, A bill to be entitled "An Act to provide for refunding certain bonds of the State of Texas, now owned by the permanent school fund; providing for the execution of new bonds in lieu thereof; providing method of exchange of said bonds; making appropriation to pay accrued interest and pay expense of lithographing bonds; and declaring an emergency."

S. B. No. 116, A bill to be entitled "An Act providing a means of serving civil process upon non-residents of this State in any civil action or proceeding against such non-residents growing out of any accident or collision in which said non-residents may be involved while operating a motor vehicle or motorcycle on any public highway or public street in this State; and declaring an emergency."

Has refused to concur in House amendments to Senate bill No. 60 and requests the House for the appointment of a free conference committee to adjust the differences. The following are appointed as conferees on part of the Senate: Senators Holbrook, Gainer, Parr, McFarlane and Stevenson.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 158, "An Act to amend House bill No. 52, Chapter 42, of the General and Special Laws passed by the Fortieth Legislature at its Regular Session, which said House bill No. 52, Chapter 42, created the Eighty-fourth Judicial District, the amendment extending the said House bill No. 52, Chapter 42, in force, and providing that same shall be revived and be extended beyond the time of its expiration so that it would not expire within the two years from the time that it took effect, as was provided in said Chapter 42; providing that the Eighty-fourth Judicial District shall continue in force to be composed of the counties of Car-

son, Hutchinson, Hansford, Ochiltree and Hemphill; also providing that the Thirty-first Judicial District shall hereafter comprise only the counties of Roberts, Wheeler, Gray and Lipscomb; prescribing the time for the holding of terms of court in said districts in the various counties comprising same; providing that the judges and district attorneys who are now or have been elected and holding offices in said districts shall continue to hold the same for the full statutory and constitutional time in said districts as changed; prescribing the jurisdiction of the district courts in the Thirty-first and Eighty-fourth Judicial Districts," etc.

ADJOURNMENT.

On motion of Mr. Barnett, the House, at 10:53 o'clock a. m., adjourned until 10:54 o'clock a. m. Wednesday.

APPENDIX.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, January 18, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 274, A bill to be entitled "An Act to amend Article 955, Revised Criminal Statutes of 1925, by exempting Hunt and Rains counties from the provisions thereof, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, January 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 44, A bill to be entitled "An Act to amend subdivision 32 of Article 199 of Title 8 of the Revised Statutes of the State of Texas, 1925, to change, prescribe the terms and time for holding district courts of the Thirty-second Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden counties, giving additional time to Howard county, and to conform all writs and process from

such courts to such changes and to make all writs and process issued or served before this act takes effect, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, January 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 120, A bill to be entitled "An Act to amend Article 2547 (2443), Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, pages 197 to 199, inclusive, of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session, which article and chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners court to secure such deposits,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, January 23, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 57, A bill to be entitled "An Act to amend Article 4111 of the Revised Civil Statutes of Texas, 1925, amended by Chapter 179, page 257, Regular Session of the Fortieth Legislature, 1927, so as to provide for fixing the venue where the appointment of guardians may be made, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, January 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 59, A bill to be entitled "An Act to amend Articles 4613 and 4614, Title 75, Chapter 3, of the Revised Statutes of the State of Texas, 1925, concerning the marital rights of

parties; defining separate property of the husband and wife, exempting separate property of the husband from debts contracted by the wife except for necessities furnished herself and children after her marriage with him, and from torts of the wife, giving husband management, control and disposition of his separate property during the marriage, providing that the wife shall have the sole management, control and disposition of her separate property; provided, that the joinder of the husband shall be necessary to a conveyance or encumbrance of the wife's lands, bonds and stocks; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room.

Austin, Texas, January 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 46, A bill to be entitled "An Act amending Article 3386 of the Revised Statutes of 1925, as amended, 1927, providing for the amount of bonds of executors and administrators, and amending Article 3392 of the Revised Statutes of 1925, requiring new bond,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room.

Austin, Texas, January 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 87, A bill to be entitled "An Act to amend Article 7117 of Chapter 5, of Title 122, of the Revised Civil Statutes of Texas, 1925 codification, so as to exempt from inheritance tax intangible personal property of a non-resident who was, at the time of his death, a resident of a State or Territory of the United States or of a foreign country which did not impose a transfer or inheritance tax of any character in respect of intangible personal property of residents of this State,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, January 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 18, A bill to be entitled "An Act creating the office of criminal district attorney in those counties which constitute three or more separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those counties who performs the duties of county and district attorney shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces and continue the work as criminal district attorney until their successors are elected and qualified,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

TWELFTH DAY.

(Wednesday, January 23, 1929.)

The House met at 10:54 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Duvall.
Ackerman.	Enderby.
Adkins.	Ewing.
Albritton.	Eickenroht.
Anderson.	Finn.
Avis.	Finlay.
Baker.	Forbes.
Baldwin.	Fuchs.
Barnett.	Gerron.
Bateman.	Gilbert.
Beck.	Giles.
Bond.	Graves
Bounds.	of Williamson.
Bradley.	Graves of Erath.
Brice.	Hardy.
Brooks.	Harding.
Carpenter.	Harman.
Chastain.	Harper.
Coltrin.	Harrison.
Conway.	Heaton.
Cox of Navarro.	Hefley.
Cox of Lamar.	Hines.
Cox of Limestone.	Hogg.
Davis.	Holder.
DeWolfe.	Hopkins.
Dunlap.	Hubbard.